

### **REMARKS/ARGUMENTS**

Reconsideration and allowance of the present application based on the following remarks are respectfully requested. Claims 1 and 10-11 have been amended. Support for the amendments may be found throughout the specification, for example, at page 2, line 3 of the specification and at page 4, line 31. Upon entry of the above amendments, claims 1-29, as amended, will be pending.

The Examiner has indicated that no certified copies of priority documents have been submitted in this case. Applicants respectfully disagree. A certified copy of GB 9916581.3 was submitted on August 8, 2005. A copy of the date stamped PTO receipt is submitted herewith. Applicants also submit herewith a certified copy of the second priority document GB 9919790.7.

Claims 1, 4, 10, 11, 16, and 19 have been rejected under 35 U.S.C. § 112, second paragraph as indefinite. Claims 1 and 10-11 have been amended and are believed to be in full compliance with 35 U.S.C. § 112. The Examiner has rejected claims 4, 16 and 19 as lacking antecedent basis. Applicants respectfully disagree. Claims 1, 15 and 18 indicate that R<sup>2</sup> may be, *inter alia*, hydrocarbyl. The groups listed for R<sup>2</sup> in claims 4, 16, and 19 (which depend from claims 1, 15 and 18 respectively) are included within the scope of hydrocarbyl as understood by the Applicants. Similarly, claim 1 indicates that R<sup>5</sup> may be *inter alia*, hydrocarbyl which includes the groups listed for R<sup>5</sup> in claim 4. Accordingly, a proper antecedent basis for claims 4, 16 and 19 has been provided. For at least these reasons, Applicants respectfully request reconsideration and withdrawal of these rejections.

Claims 1-29 have been rejected under the judicially-created doctrine of obviousness-type double patenting. As previously discussed on the phone with the Examiner, Applicants respectfully submit that a terminal disclaimer would be inappropriate in this case given that this application ("the '544 application") and the other application identified in the Office Action (USSN 10/504,126- "the '126 application") are co-pending and that the '544 application has an earlier filing date and priority date. Accordingly, Applicants respectfully request withdrawal of the obviousness-type double patenting rejection.



Therefore, all objections and rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

MAYER BROWN ROWE & MAW LLP

By: 

John E. Mauk  
Registration No. 54,579  
Direct No. (202) 263-3255

Paul L. Sharer  
Registration No. 36,004  
Direct No. (202) 263-3340

Intellectual Property Group  
1909 K Street, N.W.  
Washington, D.C. 20006-1101  
(202) 263-3000 Telephone  
(202) 263-3300 Facsimile

Date: February 6, 2006

Attachments: Date Stamped Copy of PTO Receipt dated August 8, 2005  
Submission of Priority Document filed August 8, 2005